

DETAILED ACTION

This action is responsive to the communication filed 11/01/2010. Claims 1-24 are PENDING. Applicant's arguments have been considered, but are not persuasive. Applicant's arguments are moot in view of new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/01/2010 has been entered.

Allowable Subject Matter

Modified so as to include the correct objected to claims as per Examiner interview 09/28/2010, claims 7-10 and 21-24 are hereby objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by (**Galand et al. US Patent No. 7,324,552 B1**).

As per claim 1, Galand discloses the invention substantially as claimed. Galand teaches representing, in a network data structure, information associated with a mesh network having a plurality of nodes interconnected by a plurality of links (**Figure 1, the high speed switching network with a plurality of nodes and links**), wherein the network data structure comprises, for each link in the network and each node or other link in the network (**Figure 3, the representation of each link and node in the network with an associated entry**), a representation of a minimum amount of protection bandwidth required to be reserved on said each link to restore service upon failure of said each node or other link (**col. 12, lines 17-50, where the minimum is represented in the path selection algorithm, col. 14, lines 38-58**); receiving a request (**col. 10, lines 40-48**) for a new service in the network, wherein the new service is represented by a service data structure comprising an identification of each link and transit node in a primary path for the new service (**col. 12, lines 52-64 and col. 15, lines 65-col. 16, lines 6, col. 12, lines 51-61**); determining, using the network and service data structures,

whether the new service requires additional protection bandwidth to be reserved on any link in the network (**col. 10, lines 40-52 and col. 12, lines 50-67**); and updating the network data structure if any additional protection bandwidth is determined to be required for the new working path (**col. 6, lines 60-67, updating of the network topology information**).

As per claim 2, Galand teaches wherein the service data structure further comprises an identification of bandwidth associated with the new service (**col. 12, lines 50-64**).

As per claim 3, Galand teaches wherein the network is a virtual-circuit mesh data network that transmits packetized data (**Figure 1, Abstract and col. 5, lines 34-38**).

As per claims 4 and 5, Galand wherein the network data structure is distributed over the network such that at least one node in the network does not have all of the information in the network data structure and wherein each of the nodes in the network has all of the information in the network data structure (**col. 7, 60-col. 8, lines 6**).

As per claim 6, Galand teaches a method further comprising, in response to the new service request, determining a restoration path for the new service in the network using the network data structure (**col. 7, lines 40-48**).

As per claim 11, Galand teaches wherein the service data structure is primary path node-link vector $V_{sub.pnl}$ (**col. 4, lines 25-58**).

As per claim 12, Galand teaches wherein an incremental version of the network data structure is used for transmitting sharing information in order to reduce the amount of data that is transmitted in the network to disseminate the information (**col. 8, lines 57-64**).

As per claim 13-15, Galand teaches wherein transmission control protocol/Internet protocol (TCP/IP) connections are used for the dissemination (**col. 1, lines 25-50**); wherein the

compact representation is a node aggregate vector $V_{sub.na}$ wherein each element of $V_{sub.na}$ corresponds to a node in the network wherein the element's value is a function of the maximum of reservation bandwidths reserved on all links incident to the node and wherein the dissemination is accomplished using a link-state routing protocol (**col. 8, lines 39-56**).

As per claim 16, Galand teaches wherein a compact version of the network data structure is used to reduce the amount of data that needs to be transmitted in the network to disseminate the information about each link (**col. 7, lines 60-col. 8, lines 29**).

As per claims 17-19, claims 17-19 lists substantially the same elements as claim 1 and is thus rejected using the same rationale.

As per claim 20, claim 20 is substantially the same as claim 12 and thus rejected using similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOIYA CLOUD whose telephone number is (571)270-1146. The examiner can normally be reached on 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter A. Pappas can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMC

Art Unit 2444

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/Peling A Shaw/

Primary Examiner, Art Unit 2444